

REGULAR CITY COUNCIL MEETING  
NOVEMBER 13, 2000

PRESENT

R. Dale Roper  
Gayle Bunker  
Bruce Curtis  
Robert Dekker  
Glen Swalberg

Mayor  
Council Member  
Council Member  
Council Member  
Council Member

ABSENT

Wesley Bloomfield

Council Member

ALSO PRESENT

Neil Forster  
Richard Waddingham  
Gregory Jay Schafer  
Stephen Draper  
LaVar Cox  
Max Wood  
Barbara Pierson  
James Pierson  
David Pierson  
Peggy Overson  
Denise Murdock  
Richard Anderson  
John Reeves  
Kyle Cook  
Jason Cook  
Paula Johnson  
Nick Johnson  
John Summit

Public Works Director  
City Attorney  
City Recorder  
Millard County Commissioner  
Millard County Commissioner  
Millard County Recreation Dept.  
City Resident  
City Resident  
City Resident  
City Resident  
City Resident  
Central Utah Counseling Center  
Central Utah Counseling Center  
Scout Parent  
Scout  
Scout Parent  
Scout  
City Resident

Mayor Roper called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place, and agenda was posted at the City Building and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, at least two days prior to the meeting. Gregory Jay Schafer, City Recorder, acted as secretary.

Council Member Gayle Bunker offered an invocation, following which Mayor Roper led those in attendance in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held October 23, 2000 were presented for consideration and approval. Mayor Roper requested that, on Page 3, in the paragraph discussing final payment on the SCADA system, the payment amount be inserted following the words "final payment". Following discussion, Council Member Gayle Bunker MOVED to approve the proposed minutes of the Regular City Council Meeting held October 23, 2000, as corrected. The motion was SECONDED by Council Member Bruce Curtis. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them at least two days prior to the meeting. Following discussion, Council Member Robert Dekker MOVED to approve the accounts payable, in the amount of \$106,637.69. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESSCITY ATTORNEY RICHARD WADDINGHAM: ADOPTION OF NEW ANNEXATION POLICY

City Attorney Richard Waddingham requested that this item be tabled until the next meeting of the City Council. He has drafted the policy but does not have it ready for final approval at this time.

Council Member Glen Swalberg MOVED to table adoption of the new annexation policy until the next meeting of the City Council. The motion was SECONDED by Council Member Bruce Curtis. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESSSTEPHEN DRAPER, /LAVAR COX, MILLARD COUNTY COMMISSION: WATER SERVICE BILLING FOR WEST MILLARD RECREATION

Millard County Commissioner Stephen Draper addressed the Council regarding the cost of water service for the ball fields. He noted that, over the past 12 months, water service has cost Millard County \$9,877.00. Commissioner Draper advised the Council that they understand that Delta City currently has outstanding bonds on the water system which will not allow reduced water rates for a given customer. However, Millard County would like to discuss the possibility of working out some kind of offset to the water service cost. Commissioner Draper noted that Millard County

Recreation has worked with Utah Power & Light for reduced rates on electrical power to light the ball fields. In addition, Commissioner Draper advised the Council that Millard County is in need of one acre-foot of water for their landfill and asked if Delta City might have an acre-foot of water available.

Mayor Roper explained that our water bond agreement requires that "There shall be no free service and all users, including the Municipality, shall be charged for any service furnished by or through the System. . .", which precludes Delta City from lowering rates for anyone, including Delta City itself. Mayor Roper stated that Delta City is not willing to jeopardize their bond standing in any way.

Commissioner Draper reiterated that Millard County understands the bond covenants and would not want Delta City to jeopardize their bond standing, they would just appreciate the Council discussing the possibility of working out a way to assist Millard County in the cost of maintaining their ball fields.

Commissioner LaVar Cox asked the Council if the Gardner Well had an acre foot of water that Millard County could purchase. Public Works Director Neil Forster advised the Council that Delta City does not have any excess water, however, the Intermountain Power Service Corp. water bank has water available and would probably be willing to provide an acre foot.

Mayor Roper and the Council thanked Commissioners Draper and Cox for the programs provided for the community through the Millard County Recreation Department.

BARBARA PIERSON: CLEAN UP OF UNSIGHTLY PROPERTY LOCATED AT 100 WEST AND 100 SOUTH

Mrs. Barbara Pierson advised the Council that the property on the northeast corner of 100 South and 100 West has been vacant for approximately two years and the yard is covered with litter, debris, noxious weeds, etc. Mrs. Pierson provided the Council with photos that she had taken of the property and asked if the property could be condemned and cleaned up.

Mayor Roper told Mrs. Pierson that the procedures are in place for dealing with the property, through the Delta City Nuisance Ordinance, and the process has already begun on this particular property. The process will be followed through to clean up of the property.

RICHARD ANDERSON, CENTRAL UTAH COUNSELING CENTER: STREET IMPROVEMENTS ON 50 NORTH STREET BETWEEN CENTER STREET AND 100 WEST

Richard Anderson, Central Utah Counseling Center advised the Council that he is here to request improvements in the sidewalk and an existing drive over gutter at their building, located at 51 North Center Street. Mr. Anderson stated that he had met with Public Works Director Forster previously to discuss this matter and provided photos of the current condition of the sidewalk and drive-over gutter, which is actually a city street. Public Works Director Forster advised the Council that the

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drive-over gutter consists of a corrugated metal partial tube with concrete poured over it. He also advised the Council that, during a recent rain storm, the gutter was backed for several feet and did not drain. Public Works Director Forster noted that correcting the problem would probably require some rehabilitation and reconstruction of a portion of Center Street.

Mr. Anderson advised the Council that Central Utah Counseling Center needs to make some changes to their building to provide for handicap access and come into compliance with the American with Disabilities Act. Mr. Anderson asked if Delta City would assist with replacement of the sidewalk. Mayor Roper advised Mr. Anderson that Delta City's policy is that the property owner pay for removal of the existing sidewalk and Delta City will participate with the property owner, on a 50/50 basis, for replacement of the sidewalk, and Delta City will be responsible for replacement of the drive-over gutter.

Mr. Anderson asked the Council if they would participate in asphaltting 50 North Street so that the Central Utah Counseling Center parking area, as well as 50 North Street would be asphalted, at least to the back of the Central Utah Counseling Center building.

Following discussion, Council Member Glen Swalberg MOVED to approve Delta City participating, on a 50/50 basis, with Central Utah Counseling Center for replacement of sidewalk at 51 North Center Street and asphaltting 50 North Street from Center Street to the back of the Central Utah Counseling Center, and that Delta City design and replace the drive-over gutter between Center Street and 50 North Street. The motion was SECONDED by Council Member Bruce Curtis.. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER: REQUEST FOR PROPOSED MOONEY ONE LOT SUBDIVISION LOCATED AT APPROXIMATELY 251 SOUTH 200 EAST

Council Member Gayle Bunker stated that a public hearing was held, just prior to this meeting, for the purpose of receiving public comment regarding the proposed Mooney One Lot Subdivision, located at approximately 251 South 200 East. There were no negative comments received at that public hearing.

Council Member Gayle Bunker MOVED to approve the Mooney One Lot Subdivision, located at 251 South 200 East, with the condition that an Off-Site Improvement Agreement be signed, and to authorize the Mayor and City Attorney to sign the plat. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR R. DALE ROPER: JUSTICE COURT SOFTWARE UPDATE

Mayor Roper advised the Council that all of the Delta City computer operating systems have been changed from DOS based to Windows, with the exception of the Justice Court software. At this time, it is requested that the Justice Court software be upgraded to Windows inasmuch as Caselle

is not certain that they will have support for the DOS based systems after December 31, 2000.

Council Member Robert Dekker MOVED to upgrade the Justice Court software from DOS based to Windows, for the amount of \$3,900.00. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR R. DALE ROPER: MOBILE TELEPHONE SERVICE MODEL ORDINANCE

Mayor Roper noted that Delta City charges franchise taxes to all utilities operating in Delta City, with the exception of cellular telephones. Cellular telephones are difficult to charge franchise taxes on, due to their mobility. The Utah League of Cities and Towns has drafted a Mobile Telephone Service Model Ordinance, which would provide a way to direct some of the cellular phone taxes back to the communities where they are used, rather than have all of the taxes go to the main office of the cellular service providers. It is suggested that all cities and towns adopt this ordinance, as written.

Mayor Roper reread the model ordinance today, and had some questions, which he directed to City Attorney Richard Waddingham. In discussing the model ordinance, City Attorney Waddingham also had some questions. Mayor Roper would like to table discussion of this item at this time, in order to obtain answers to the questions he and City Attorney Waddingham have.

Council Member Glen Swalberg MOVED to table discussion of the Mobile Telephone Service Model Ordinance until further information is received. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR R. DALE ROPER: ENACT ORDINANCE FOR ANNEXATION AND CREATION OF A NEW ZONE RELATED TO THE DROUBAY/BUNKER ANNEXATION

Mayor Roper requested that a public hearing be set for the purpose of receiving public comment regarding the proposed Droubay/Bunker annexation and the creation of a new zone for the annexation. Mayor Roper noted that City Attorney Waddingham has stated that it may not be necessary to have a public hearing for the annexation, but suggested that it would provide an opportunity to receive input from area residents regarding the zoning.

Council Member Glen Swalberg MOVED to set a public hearing, for the purpose of receiving public comment regarding the proposed Droubay/Bunker Annexation and the proposed creation of a new zone for the annexation area, on Monday, December 11, 2000 at 6:45 p.m. The motion was SECONDED by Council Member Bruce Curtis. Mayor Roper asked if there were any comments or questions regarding the motion. Council Member Gayle Bunker stated, for the record, that he has a conflict of interest in this matter, inasmuch as he is one of the parties involved in the proposed Droubay/Bunker Annexation. Mayor Roper then called for a vote. The motion passed unanimously.

OTHER BUSINESS

Mayor Roper noted that he had been provided a copy of the West Millard Mosquito Abatement District Budget for the upcoming year. The District is required to provide this information to the entities which they serve and the entities are required to provide a letter indicating receipt of and concurrence with the budget, or the entities can attend the District meeting to discuss the budget.

Council Member Gayle Bunker MOVED that a letter be sent to the West Millard Mosquito Abatement District indicating that Delta City has received a copy of the tentative budget and has no objection to the figures shown. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Mrs. Barbara Pierson expressed appreciation to the Council for the beautiful new Christmas decorations being installed along Main Street. Mayor Roper advised Mrs. Pierson that the Public Works employees made all of the decorations.

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Mayor Roper requested that the Council set the date for the Delta City Christmas Party, to be held at the Old Stone Chapel Reception Center. It was determined that the Delta City Christmas Party will be held on Saturday, December 2, 2000, with a social hour beginning at 6:00 p.m. and dinner being served at 7:00 p.m.

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Council Member Gayle Bunker requested that Council Members think about where an Industrial Park area could be located in Delta City. It was suggested that there may be a need for two Industrial Parks, one for lighter industry and one for heavier industry. One item that must be considered is the lack of sewer service on the west side of town. Public Works Director Forster suggested that perhaps consideration should be given to where water service, sewer service, and also railroad access would be available.

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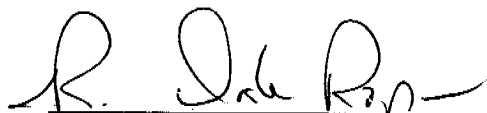
Mayor Roper asked if there were any comments, questions, or other items to be discussed, there being none, Council Member Robert Dekker MOVED to adjourn the meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments, questions, or other items to be discussed. There being none, he called for a vote. The motion passed unanimously.

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Mayor Roper declared the meeting adjourned at 7:53 p.m.

  
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R. DALE ROPER, Mayor

  
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GREGORY JAY SCHAFER, City Recorder

MINUTES APPROVED: RCCM 12-11-00